

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	: CASE NO: 20-72876-SMS
	: CHAPTER: 13
	:
ANGELA DAMESE CURTIS	:
Debtor	:
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LAKEVIEW LOAN SERVICING, LLC,	:
Movant,	:
	: CONTESTED MATTER
vs.	:
	:
ANGELA DAMESE CURTIS	:
K. EDWARD SAFIR, Trustee	:
Respondents.	:

NOTICE OF HEARING

PLEASE TAKE NOTICE that **Lakeview Loan Servicing, LLC** has filed a Motion for Relief from Automatic Stay and related papers with the Court seeking an order modifying stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the motion **at 10:15 AM on October 17, 2023 in Courtroom 1201, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia**, which may be attended in person or via the Court's Virtual Hearing Room. You may join the Virtual Hearing Room through the "Dial-in and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov, or the link on the judge's webpage, which can also be found on the Court's website. Please also review the "Hearing Information" tab on the judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, 75 Ted Turner Drive, S.W., Suite 1340, Atlanta, GA 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the Motion for Relief from Automatic Stay cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated: 09/14/2023

/s/ Lisa F. Caplan

Lisa F. Caplan

GA State Bar No. 001304

Rubin Lublin, LLC

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Attorney for Creditor

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MOTION FOR RELIEF FROM AUTOMATIC STAY (REAL PROPERTY)

Lakeview Loan Servicing, LLC (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. §362, for relief from the automatic stay with respect to certain real property of the Debtor having an address of **996 ALFORD CT, LITHONIA, GA 30058** (the “Property”), for all purposes allowed by law, the Note (defined below), the **Security Deed** (defined below), and applicable law, including but not limited to the right to foreclose. In further support of this Motion, Movant respectfully states:

1. The Debtor has executed and delivered or is otherwise obligated with respect to that certain promissory note in the original principal amount of **\$119,691.00** (the “Note”). A copy of the Note is attached hereto as Exhibit “A”. Movant is an entity entitled to enforce the Note.
2. Pursuant to that certain **Security Deed** (the “**Security Deed**”), all obligations (collectively, the “Obligations”) of the Debtor under and with respect to the Note and the **Security Deed** are secured by the Property. A copy of the **Security Deed** is attached hereto as Exhibit “B”.
3. The legal description of the Property and recording information is set forth in the **Security Deed**, a copy of which is attached hereto, and such description and information is incorporated and made a part hereof by reference.

4. As of **August 29, 2023**, the outstanding amount of the Obligations less any partial payments or suspense balance is **\$130,075.05**. This does not include the attorneys' fees and expenses incurred in connection with preparing and pursuing this Motion, which fees and expenses are set forth in more detail below.

5. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred **\$1,238.00** in legal fees and costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

6. As of **August 29, 2023**, there is an arrearage deficiency of **\$4,949.42** (not including Bankruptcy Fees and Costs mentioned above). This figure is comprised of the following:

Description	From	To	Quantity	Amount	Total
Missed Payment	04/01/2023	05/01/2023	2	\$1,300.19	\$2,600.38
Missed Payment	06/01/2023	08/01/2023	3	\$1,203.65	\$3,610.95
Suspense Balance Credit			1	\$-1,261.91	\$-1,261.91
Total Arrearage Deficiency (not including Bankruptcy Fees and Costs):				\$4,949.42	

7. The estimated market value of the Property is **\$165,000.00**. The basis for such valuation is **Debtor's Schedule A**.

8. LoanCare, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Lakeview Loan Servicing, LLC, NOTEHOLDER. Note holder, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Note holder or has

been duly endorsed.

9. Cause exists for relief from the automatic stay for the following reasons:
 - a. Movant's interest in the Property is not adequately protected.
 - b. Movant's interest in the collateral is not protected by an adequate equity cushion.
 - c. Post-Petition payments have not been received by Movant.
 - d. Pursuant to 11 U.S.C. § 362(d)(2)(A), Debtor has no equity in the Property; and pursuant to § 362(d)(2)(B), the Property is not necessary for an effective reorganization.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and granting the following:

1. Relief from the stay for all purposes allowed by law, the Note, the **Security Deed**, and applicable law, including but not limited allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.
2. That the Order be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.
3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.
4. For such other relief as the Court deems proper.

RUBIN LUBLIN, LLC

/s/ Lisa F. Caplan

Date: 09/14/2023

Lisa F. Caplan
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Attorney for Creditor

CERTIFICATE OF SERVICE

I, Lisa F. Caplan of Rubin Lublin, LLC certify that I caused a copy of the Notice of Assignment of Hearing and Motion for Relief from Automatic Stay (Real Property) to be filed in this proceeding by electronic means and to be served by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to the said parties as follows:

Angela Damese Curtis
996 Alford Ct
Lithonia, GA 30058

E. L. Clark, Esq.
Clark & Washington, LLC
3300 Northeast Expressway
Bldg. 3
Atlanta, GA 30341

K. Edward Safir
Chapter 13 Trustee
285 Peachtree Center Ave, NE
Suite 1600
Atlanta, GA 30303

Executed on 09/14/2023

/s/ Lisa F. Caplan
Lisa F. Caplan
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